

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:12-cr-0189-SEB-MJD
)	
ERIC KING,)	
)	- 05
Defendant.)	

REPORT AND RECOMMENDATION

On July 12, 2021, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on June 21, 2021. Defendant King appeared in person with his appointed counsel Joseph Cleary. The government appeared by Lindsay Karwoski, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Felecia Bain.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant King of his rights and provided him with a copy of the petition. Defendant King orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant King admitted violation numbers 1, and 2. [Docket No. 673.]
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

- 1 **“The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance.”**

The offender tested positive for marijuana on the following dates: August 15, 2019, October 10, 2019, November 25, 2019, April 15, 2021, May 4, 2021, June 13, 2021, and June 16, 2021.

- 2 **“You shall reside in a residential reentry center for a term of up to 180 days. You shall abide by the rules and regulations of the facility.”**

The offender has continued to use illicit substances, resulting in violation of the rules and regulations of the residential reentry center.

4. The parties stipulated that:

- (a) The highest grade of violation is a Grade C violation.
- (b) Defendant’s criminal history category is I.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 3 to 9 months’ imprisonment.

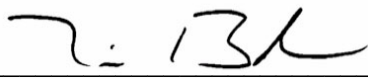
5. The government recommended a sentence of nine (9) months with no supervised release to follow. Defendant's counsel argued for a sentence at the low end of the sentencing guidelines with no supervised release to follow. Defendant requested placement at a facility closest to Indianapolis, Indiana.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of six (6) months with no supervised release to follow. The Magistrate Judge will recommend placement at a facility closest to Indianapolis,

Indiana. The Defendant is released on current conditions of supervised release pending the District Judge's action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.
and file written objections with the District Judge.

Date: 7/13/2021



Tim A. Baker
United States Magistrate Judge
Southern District of Indiana

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